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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 OMAR ARNOLDO RIVERA
12 MARTINEZ; ISAAC ANTONIO
13 LOPEZ CASTILLO; JOSUE
14 VLADIMIR CORTEZ DIAZ; JOSUE
15 MATEO LEMUS CAMPOS;
16 MARVIN JOSUE GRANDE
17 RODRIGUEZ; ALEXANDER
18 ANTONIO BURGOS MEJIA; LUIS
19 PEÑA GARCIA; JULIO CESAR
20 BARAHONA CORNEJO, as
21 individuals,

22 Plaintiffs,

23 v.

24 THE GEO GROUP, Inc., a Florida
25 corporation; the CITY OF
26 ADELANTO, a municipal entity; GEO
27 LIEUTENANT DURAN, sued in her
28 individual capacity; GEO
LIEUTENANT DIAZ, sued in her
individual capacity; GEO
SERGEANT CAMPOS, sued in his
individual capacity; SARAH JONES,
sued in her individual capacity; THE
UNITED STATES OF AMERICA;
and DOES 1-10, individuals,

Defendants.

Case No. 5:18-cv-01125-SP

**[PROPOSED] ORDER GRANTING
DEFENDANTS DIAZ AND
CAMPOS' MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Mag. Judge: Honorable Sheri Pym

1 The Motion for Summary Judgment, or in the Alternative, Motion for Partial
 2 Summary Judgment of Defendants Campos and Diaz (“Defendants”), brought
 3 under Federal Rule of Civil Procedure 56, on the Second Amended Complaint of
 4 Plaintiffs Omar Arnoldo Rivera Martinez, Isaac Antonio Lopez Castillo, Josue
 5 Vladimir Cortez Diaz, Josue Mateo Lemus Campos, Marvin Josue Grande
 6 Rodriguez, Alexander Antonio Burgos Mejia, Luis Peña Garcia, and Julio Cesar
 7 Barahona Cornejo, came on regularly for hearing before the Honorable Magistrate
 8 Judge Sheri Pym on December 17, 2019.

9 The Court having read and duly considered the moving, opposing, and reply
 10 documents, and having duly considered all evidence and argument presented in
 11 connection therewith, enters the following order on Defendants Campos and Diaz
 12 Motion for Summary Judgment as follows:

13 1. Plaintiffs cannot bring Section 1983 claims against Defendants
 14 Campos and Diaz and their only remedies against Defendants Campos and Diaz are
 15 state law claims. *Russell v. U.S. Dep’t of the Army*, 191 F.3d 1016, 1019 (9th Cir.
 16 1999); *Minneci v. Pollard*, 565 U.S. 118, 131 (2012).

17 2. The undisputed evidence shows Defendants Campos and Diaz did not
 18 violate Plaintiffs’ constitutional rights (claims five, six, and seven).

19 3. The undisputed evidence shows Defendants Campos and Diaz are not
 20 liable for the alleged constitutional violations of their subordinates because they did
 21 not direct the alleged violations, or know of the alleged violations and fail to act to
 22 prevent them (claims five, six, and seven).

23 4. The undisputed evidence shows Defendants Campos and Diaz did not
 24 violate Plaintiffs’ rights under state law (claims one, two, four, eight and ten).

25 5. The undisputed evidence shows Defendants Campos and Diaz are not
 26 liable for the conduct of their subordinates because they did not provide substantial
 27 assistance or encouragement to their subordinates to engage in actions that would
 28 violate Plaintiffs’ rights under state law (claims one, two, four, eight and ten).

Dated: _____

5:18-CV-01125-SP
[PROPOSED] ORDER RE MSJ

1 Respectfully Submitted,

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